



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kimio NAGASAKA et al.

Group Art Unit: 2883

Application No.: 10/601,707

Examiner: K. Kianni

Filed: June 24, 2003

Docket No.: 116035

For: OPTICAL TRANSCEIVER AND METHOD FOR PRODUCING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the November 29, 2004, Restriction Requirement, Applicants provisionally elect Group I, claims 1-11, with traverse.

Applicants note that claims 1-11 are drawn to an optical transceiver while claims 12-32 are drawn to a method of making an optical transceiver. Thus, a search for the optical transceiver should necessarily encompass a search for making such device. The Restriction Requirement should thus be withdrawn at least as between claims 1-11 and claims 12-32. Such withdrawal is all the more appropriate when it is considered that in defining a method of making the elected product, the non-elected method claims should ultimately be rejoined with the application upon allowance of the product claims.

It is also respectfully submitted that the subject matter of all claims 1-35 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without

serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: January 13, 2005

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